

Appl. No. 10/695,144
Amendment and/or Response
Reply to Office action of 19 May 2005

Page 7 of 8

REMARKS / DISCUSSION OF ISSUES

Claims 18-24 are pending in the application. Claims 20-24 are newly added. No new matter is introduced.

The applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

The Office action objects to the drawings. A proposed change to FIG. 8 is attached, illustrating the alternative placement (112') of the light absorbing layer (112). The specification is amended to refer to the reference 112'. The applicants respectfully maintain that this change adds no new matter, because the original specification indicated that the light absorbing layer 112 could have this alternative placement.

The Office action rejects claim 18 under 35 U.S.C. 102(e) over Kim (USP 6,671,016). The applicants respectfully traverse this rejection.

The Examiner's attention is requested to MPEP 2131, wherein it is stated: "A claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The **identical invention** must be shown in as **complete detail** as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 18 specifically recites a plurality of active elements that are separated from a plurality of pixel electrodes by a color selection layer.

Kim is silent with regard to the placement of active elements relative to the pixel elements, and silent with regard to separating the electrodes and elements by a color selection layer. Further, Kim specifically teaches that the color filter 9 is located above the common electrode 10, on the opposite side of electrode 10 from the pixel electrode 3.

Appl. No. 10/695,144
Amendment and/or Response
Reply to Office action of 19 May 2005

Page 8 of 8

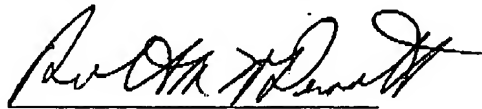
Because Kim does not teach active elements that are separated from pixel electrodes by a color selection layer, as specifically claimed in claim 18, the applicants respectfully request the Examiner's reconsideration of the rejection of claim 18 under 35 U.S.C. 102(e) over Kim.

The Examiner has rejected claims 18 and 19 under 35 U.S.C. 103(a) over Zhong et al. (USP 6,365,916, hereinafter Zhong) in view of Narita et al. (USP 5,555,114). This application is a Divisional of parent application 09/860,356, filed 18 May 2001. The Zhong patent was filed on 16 July 1999 and issued 2 April 2002, during which time the parent application of this invention was filed, and therefore is available as prior art under 35 U.S.C. 102(e).

Above is a statement of common ownership of the Zhong patent and this application at the time that this invention was made, as required by 35 U.S.C. 103(c) to disqualify the Zhong patent from being used in a rejection under 35 U.S.C. 103(a).

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Robert M. McDermott
Reg. 41,508
Att'y for Applicant(s)

1824 Federal Farm Road
Montross, VA 22520
Phone: (804) 493-0707
Fax: (215) 243-7525